

All pending claims require "an intermittently operating valve" disposed in a second/return channel/canal. The Examiner has taken the position that the valve 20 in Japan '141, while therein characterized as a "proportional control valve", could be a "valve that is intermittently opened by a solenoid using pulse width such that the flow **"through the line** is proportional to the pulse width". The Examiner further states that [s]uch a valve would be an intermittent valve as required by the claims" (at page 3 of the Action).

Applicant contends that Japan '141 does not disclose a valve that is intermittently operated, as claimed. To assist the analysis of this issue, Applicant is providing herewith an English language translation of Japan '141, in its entirety. Additionally, Applicant is providing herewith the Declaration of Mr. Kimiaki Asano, who explains that the valve 20 in Japan '141 is not "an intermittently operating valve" as claimed.¹ As Mr. Asano further explains, in addition to the fact that the valve 20 in Japan '141 is not described as one that intermittently operated, based upon Mr. Asano's experience in research and development of combustion apparatus, the structure disclosed in Japan '141 is also not capable of operating intermittently, as contemplated by the claims.

In light of the absence in Japan '141 of an intermittently operating valve in a corresponding second channel, as required in each of claims 1, 8 and 13, and a return canal as required in claim 22, regardless of how the applied art is combined, there is no

¹ Mr. Asano's statement is being submitted in two forms. Mr. Asano originally signed a document "Comment on Patent Application Publication No. 08-075141" as appended hereto, that is not in the required Declaration format. The second document submitted herewith is the unexecuted Declaration of Mr. Asano that includes the same substantive statements as in the signed document, but which is in proper Declaration form under 37 CFR §1.132. The signed Declaration will be submitted when it is received by the undersigned from Mr. Asano.

disclosure of, nor would it be obvious based upon the above disclosures to arrive at, a structure as recited in any of Applicant's pending claims.

It is assumed that the claimed "intermittent valve" is being interpreted by the Examiner as one conventionally known to those skilled in the art. More specific characterization of the "intermittent" operation is set forth in claims 23-26, which depend consecutively from independent claims 1, 8, 13 and 22. If the Examiner is interpreting the "intermittent valve" to have a broader meaning than is conventionally understood and as supported by Applicant's specification, clarification in this regard is requested.

Applicant also notes that there are many other details in the independent and dependent claims that further distinguish the claimed structure from the art applied by the Examiner. Applicant respectfully requests the Examiner to consider the arguments with respect to these other limitations, as set forth by Applicant in Amendments A-C.

Reconsideration of the rejection of claims 1, 3, 4, 6-15, 17, 21-26 and 29-34 and allowance of the case are requested.

Respectfully submitted,

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